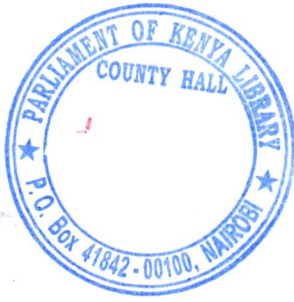


Approved for tabling ~~BAT~~ CNA

17/10/18



REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – SECOND SESSION - 2018

THE DEPARTMENTAL COMMITTEE ON HEALTH

REPORT ON THE MATTER OF ALLEGED IRREGULAR SPECIALIST RECOGNITION
OF DR. SAMIRA SONI BY THE KENYA MEDICAL PRACTITIONERS AND DENTISTS
BOARD

CLERK'S CHAMBERS
DIRECTORATE OF COMMITTEE SERVICES
PARLIAMENT BUILDINGS
NAIROBI

OCTOBER, 2018

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PREFACE

Hon. Speaker,

This report is an account of the Committee's inquiry into a matter of the Kenya **Medical Practitioners and Dentists Board allegedly awarding specialist recognition to** an undeserving doctor. The petitioner alleged that the awardee did not meet the minimum requirements.

The matter was first handled by the Departmental Committee of Health in the 11th Parliament. The matter recurred as the petitioner submitted that the recommendations of the previous report did not resolve the matter at hand. Due to the gravity of the matter, the Committee re-opened the inquiry, and re-looked into evidence initially adduced, and received fresh evidence, to conclude on the matter with finality.

The Committee was prodded by Hon Shakeel Shabbir, MP, Member of Parliament for Kisumu Town East, who on 14th March, 2018, wrote to the Committee claiming that operations at the clinic proceeded unhindered, in total disregard to issues raised previously.

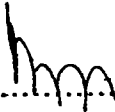
The Committee noted that the matter of ophthalmology was serious as Kenyans may be at risk of accessing sub-standard services, posing an obvious danger of loss of eye sight.

Hon. Speaker,

Pursuant to Standing Order no. 199(6), it is now my pleasant duty to table the Report of the Departmental Committee on Health on the Matter of Alleged Irregular Specialist Recognition of Dr. Samira Soni by the Kenya Medical Practitioners and Dentists Board, for consideration and adoption by the House.

Thank You

SIGNED



HON. SABINA CHEGE, MP

(CHAIRPERSON)

DATE.....

16.10.18

ADOPTION OF REPORT OF THE COMMITTEE ON HEALTH THE MATTER OF
ALLEGED IRREGULAR SPECIALIST RECOGNITION OF DR. SAMIRA SONI BY THE
KENYA MEDICAL PRACTITIONERS AND DENTISTS BOARD

We, the Honourable Members of the Departmental Committee on Health, do hereby
affix our signatures to this report the matter of alleged irregular specialist recognition
of Dr. Samira Soni by the Kenya Medical Practitioners And Dentists Board, to affirm
our approval and confirm its accuracy, validity and authenticity;


1. Hon. Sabina Chege, MP 

2. Hon. Swarup Ranjan Mishra, MP 

3. Hon. (Dr.) Eseli Simiyu, MP 

4. Hon. (Dr.) James Nyikal, MP 

5. Hon. Alfred Agoi Masadia, MP

6. Hon. (Dr.) James Kipkosgei Murgor, MP 

7. Hon. Muriuki Njagagua, MP 


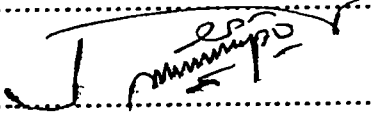
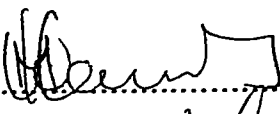
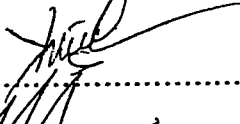
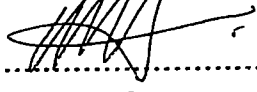
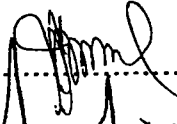
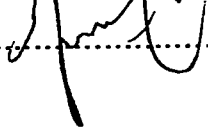
8. Hon. (Dr.) Mohamed Dahir Duale, MP

9. Hon. Stephen Mule, MP.....

10. Hon. Chris Karan, MP

11. Hon. Esther M. Passaris, MP

12. Hon. Gladwell Jesire Cheruiyot, MP 

- 13. Hon. Kipsengeret Koros, MP 
- 14. Hon. Martin Peters Owino, MP 
- 15. Hon. Mercy Wanjiku Gakuya, MP 
- 16. Hon. Prof. Mohamud Sheikh Mohamed, MP 
- 17. Hon. Patrick Munene Ntwiga, MP 
- 18. Hon. Tongoyo Gabriel Koshal, MP 
- 19. Hon. Zachary Kwenya Thuku, MP 

EXECUTIVE SUMMARY

This report details the consideration of the matter of specialist recognition of Dr. Samira Soni as raised by the Hon. Shakeel Shabbir, MP, initially to the 11th Parliament through letters dated 19th November, 2014 and 17th February, 2016. Hon. Shabbir subsequently wrote to this Committee on 14th March, 2018 bringing to the attention of the Committee that Dr. Soni had not complied with recommendations of the previous Committee.

The Committee examined the record of its predecessor's proceedings in the matter, including its report, minutes and evidence collected from witnesses. It then embarked on fresh interviews of key witnesses and observed that Dr. Soni graduated with a Master of Medicine in ophthalmology in 2004 but her first application for specialist recognition was five years later in 5th February 2009 which was rejected.

She reapplied and appealed with recommendations from two referees. The application was considered ~~and~~ subsequently approved on 15th May 2014 as she was considered as having met the minimum requirements for such an application.

The Committee observes that there was no evidence that Dr. Soni met the minimum requirements for specialist recognition having not served under specialist supervision for two years. She also admitted that she had limitations in surgery. The Committee ~~also notes that despite~~ Dr. Soni having applied for registration and licensing of the doctor's business, the Eye and U Clinic the same day her appeal for specialist recognition was lodged, operations at the hospital met requirements satisfied the KMPDB.

The Committee observes that by her own admission and evidence of her peers, Dr. Samira Soni was a qualified doctor but her competencies as an ophthalmological

surgeon were wanting. This however does not disqualify her as an owner/ manager of a hospital or clinic.

The Committee ultimately recommends that the board cancels Dr. Soni's specialist recognition and follows the laid down procedure to recognize her. The Board should also be proactive in their operations and seek out independent investigation of an applicant's competence and previous conduct. The KMPDB should also strengthen and adhere to its rules and procedures, and the Ministry to look into its conduct.

The Committee further recommends a review of admission and licensing of foreign medical doctors who work in the Country, with regular inspections and explicit supervision by local specialists.

1.0 INTRODUCTION

1.1 Establishment and Mandate of the Committee

The Committee on Health is one of the Departmental Committees of the National Assembly established under Standing Order 216 and mandated to;

- i. Investigate and inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments'.
- ii. Study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- iii. Study and review all legislation referred to it;
- iv. Study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204;
- vii. Examine treaties, agreements and conventions;
- viii. Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- ix. Consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- x. Examine any questions raised by Members on a matter within its mandate.

This report is a product of the exercise of this mandate.

1.2 Committee Membership

The Committee comprises the following Honourable Members;

1. Hon. Sabina Chege, MP – Chairperson
2. Hon. Swarup Ranjan Mishra, MP – Vice Chairperson
3. Hon. (Dr.) David Eseli Simiyu, MP
4. Hon. (Dr.) James W. Nyikal, MP
5. Hon. Alfred Agoi Masadia, MP
6. Hon. (Dr.) James Kipkosgei Murgor, MP
7. Hon. Muriuki Njagagua, MP
8. Hon. (Dr.) Mohamed Dahir Duale, MP
9. Hon. Stephen Mule, MP
10. Hon. Chris Karan, MP
11. Hon. Esther M. Passaris, MP
12. Hon. Gladwell Jesire Cheruiyot, MP
13. Hon. Kipsengeret Koros, MP
14. Hon. Martin Peters Owino, MP
15. Hon. Mercy Wanjiku Gakuya, MP
16. Hon. Prof. Mohamud Sheikh Mohamed, MP
17. Hon. Patrick Munene Ntwiga, MP
18. Hon. Tongoyo Gabriel Kosha, MP
19. Hon. Zachary Kwenya Thuku, MP

The Committee is supported by the following members of the Secretariat;

- | | | |
|--------------------------------|---|----------------------------|
| 1. Mr. Victor Weke | - | Clerk Assistant I |
| 2. Mr. Muyodi Meldaki Emmanuel | - | Clerk Assistant III |
| 3. Mr. Ahmed Hassan Odhwa | - | Principal Research Officer |
| 4. Ms. Christine Odhiambo | - | Legal Counsel II |
| 5. Mr. Eric Kanyi | - | Fiscal Analyst |

- | | | |
|-------------------------|---|-------------------------|
| 6. Ms. Winnie Kiziah | - | Media Officer |
| 7. Ms. Catherine Wangui | - | Serjaent-at-arms |

Acknowledgements

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings and the preparation of this Report. We also extend gratitude to witnesses who appeared before the Committee to provide evidence.

This report would not have been possible without the dedication and hard work advanced by Members of the Committee, with the technical support of the Secretariat. I wish to thank them all.

2.0 BACKGROUND

On 15th ~~December~~, 2014, the Committee received concerns raised by the Ophthalmological Society of Kenya through Hon. Shakeel Shabbir, MP alleging that “Eye and U Kenya”, a private eye Centre had been irregularly registered by the Medical Practitioners and Dentists Board.

Subsequently, the Committee organized meetings with the Medical Practitioners and Dentists Board, Ophthalmological Society of Kenya, Dr. Samira Soni (the proprietor of the “Eye and U Eye Centre”) and Hon. Shakeel Shabbir, MP to gather information and evidence to enable it respond to the concerns raised.

After a lengthy consideration of the matter, the Committee recommended that: the Medical Practitioners and Dentists Board should curb conflict of interest in executing its mandate especially with regard to constituting Peer Review Committees. Equally, the Board should be fair in treating all its members during training and registration processes and particularly ensure that all doctors are exposed to proper supervision before they acquire specialist licensing.

However, Hon. Shakeel Shabbir, MP, through a letter dated 17th February, 2016 drew the attention of the Committee to the fact that the report does not respond to the fact that Dr. Soni was yet to undertake specialist supervision which was a requirement for receiving specialist recognition. He urged the committee to ensure Dr. Soni undertook the one year of specialist supervision as required in the interest of Kenyans who are being treated by the eye and u centre where she was a specialist consultant.

3.0 EVIDENCE REVIEWED FROM THE PREVIOUS COMMITTEE

The Committee of the 11th Parliament received evidence from the Kenya Medical Practitioners and Dentists Board; inviting the Chairman of the Preliminary Inquiry Committee of the KMPDB and Dr. Soni's referee Dr. Millicent Kariuki Wanyoike, Prof. Dunera Ilako and Dr. Dharminder Wallia on diverse dates. During the meetings, written and oral evidence was adduced as recorded hereunder:

3.1 Kenya Medical Practitioners and Dentists Board Report

The Committee considered the report submitted by the Chief Executive Officer, Kenya Medical Practitioners and Dentists Board dated 15th June 2016. The report stated as follows:

1. The Preliminary Inquiry Committee(PIC) of the Board considered the matter as was contained in a letter from the National Assembly Departmental Committee on Health Dated 26th April 2016 under the reference number KNA/DCH/CORR/2016(041).The Board was required to confirm to the Committee whether the due process was followed regarding the specialist recognition of Dr. Samira Soni and the registration of Eye and U Kenya Clinic;
2. The PIC of the Board considered copy of complaint letter by Hon. Shakeel A. Shabbir, M.P. addressed to the Clerk of the National Assembly, National Assembly Departmental Committee on Health report dated July 2015 together with documents in the Doctor's and **the institution's file as well as extracts of full Board Proceedings.**

Requirements for specialist/sub-specialist recognition

3. The Medical practitioner and Dentists Board is mandated by statute to license and recognize medical and dental practitioners in the republic of Kenya. The recognition of medical and dental practitioners as specialists in any medical field is currently governed by the Medical Practitioners and Dentists (Training, Assessment

and registration) Rules, 2014. Prior gazettelement of Rules 2014 specialist recognition was governed by the Medical Practitioners and Dentists (Private Practice) Rules, 1979;

4. The applicable rules at the material time are the Medical Practitioners and Dentists (Private Practice) Rules, 1979 wherein Rule 2 defines a specialist as

“A medical or dental practitioner who has completed an approved training in a particular discipline in medicine or dentistry, and who has acquired a recognized post-graduate qualification or its equivalent, and who is thereafter has gained sufficient experience and shown to the Boards satisfaction adequate clinical, radiological or laboratory skill in his chosen discipline”

5. By virtue of the provisions of Rules 2 and 25 of the Medical Practitioners and Dentists (Private Practice) Rules (Private Practice Rules, 1979), a medical or dental Practitioner can be recognized as a specialist if he or She possesses the following qualifications;

- i. Be a holder of a post graduate qualification equivalent to a Masters of Medicine or Dental Surgery Degree recognized by the Board and having not less than five years of formal training and experience under the supervision of a recognized specialist in a recognized institution;
- ii. Provided that if a postgraduate qualification is awarded after a three year period of training, no medical or dental practitioner shall be recognized as a specialist unless he or she has had at least two years' experience after obtaining the post graduate qualification.

6. Applications for specialist recognition are submitted to the Board and applicants are required to provide the following documents;

- i. Certified copy of post graduate qualification and official transcripts
- ii. Supportive recommendation from two (2) referees in the relevant field
- iii. Evidence of completion of two year rotation in a recognized institution or 1 year rotation in a recognized institution for sub specialist recognition
- iv. Payment of a prescribed fee

Process followed for Dr. Samira Sonia's Specialist Recognition

7. In the present case, the Board noted that Dr. Soni graduated from the University of Nairobi in the year 1987 wherein she obtained the Basic degree in Bachelor of Medicine and Bachelor of Surgery (MBChB). Thereafter she did her internship at Kenyatta National Hospital and upon completion of the internship program she was registered as a medical practitioner in 1988 bearing registration number 2940;
8. In the year 2004, Dr. Soni graduated at the University of Nairobi with a Master of Medicine (ophthalmology) and from the records held by the Board and information gleaned from her curriculum vitae it is noted that she worked in different institutions as hereunder;
 - i. 2003-December 2005 - Dr. Soni worked at the Eye Stop Kenya with Dr. Millicent Kariuki, a consultant ophthalmologist at the Upper Hill Medical Centre under the direct supervision of the said Dr. Kariuki
 - ii. January 2006- June 2008 - Dr. Soni worked in Lions Blood and Eye Centre in Mombasa
 - iii. July 2008 to December 2010 - Dr. Soni was working at the Eye Stop Kenya at the Upper Hill Medical Centre with Dr. Millicent Kariuki, a consultant Ophthalmologist.
 - iv. January 2011 to December 2011 - Dr. Soni was working at the Eagle Eye Laser Centre in Nairobi
2. Records held at the Board showed that Dr. Soni first applied for specialist recognition in ophthalmology on 5th February 2009 but the application was not approved as she was considered as ~~not~~ having failed to meet the minimum requirements at the time.
3. On 3rd November 2013 she re-applied for recognition as a specialist in ophthalmology and it was followed by a written appeal dated 7th May 2014. The said application had recommendations from 2 referees namely Dr. Joytee Trivedi and Dr. Millicent Kariuki Wanyoike. The application was considered and subsequently approved on 15th May 2014 as she was considered as having met the minimum requirements for such an application.

4. Dr. Samira Soni Dedhia's specialist recognition was ratified by the full Board in its 108th Full Board meeting.

Findings

5. In view of the foregoing, the recognition of Dr. Samira Dedhia Soni as a specialist in ophthalmology followed the due process of the Board and complied with the applicable provisions of the law as at the material time

Registration and Licensing status of Eye and U Kenya Clinic

6. On 7th May 2014, the Medical Practitioners and Dentists Board received an application from Dr. Samira Dedhia Soni for registration and licensing of the Eye and U Clinic as a health Centre located along Waiyaki Way at the Pacis Centre on 3rd Floor within Westlands in Nairobi. The application was accompanied by the following documents;

- i. A clinic inspection report recommending registration and licensing which was signed by amongst others Dr. Sam Ocholla, County Health Director, Nairobi County;
- ii. Certificate of incorporation for Eye and U Ophthalmic Limited Dated 23rd October 2013 and Certified copies of Dr. Samira Soni professional Certificates;

7. The application was forwarded to the Chairman of the Private Practice Committee (Inspection Licensing Committee) of the Board for review;

~~8. It is noteworthy~~ that the Board conducted its statutory functions through its secretariat and the committees that consists of its Board members.

9. The aforesaid committee handles applications for registration and licensing of health facilities within the republic of Kenya;

10. The said application was approved on 9th May 2014 and on 30th June 2014, the registration and licensing of the facility was ratified by the full board during its 108th Sitting;

Findings

11. In view of the foregoing, the registration of Eye and U clinic followed due process of the Board and also complied with the applicable provisions of the law.

Conclusion

12. The Board noted that this matter which keeps up coming up had been submitted to the National Assembly Departmental Committee on Health whose report was discussed in the last full board Meeting Held on 30th November 2015. The Board's position still stands that the issues raised concerning the specialist recognition for Dr. Soni and Eye and U Kenya Clinic are pure professional/business rivalry in which the board does not wish to be drawn into.

The Board's CEO appeared again before the Committee on 4th August, 2016 and submitted as follows;

1. The Matter of the Specialist Recognition of Dr. Soni had been revisited by the Board and on inspecting the Board's records since the enactments of the Act, it had been established that even the key complainant in the matter, Dr. Mukesh Joshi himself had no record of specialist recognition by the Board.
2. This could be explained by the fact that after the Act came into force in 1978, under the transition clauses, the register was reorganized and doctors in practice before the Act were granted recognition in their areas of specialization;
3. A sample list of medical doctors showed that some doctors were directly supervised whilst others were not directly supervised by senior doctors with their specialty in order to acquire specialist recognition.
4. Direct supervision refers to those Doctors who have worked under and have been directly supervised by a specialist recognized by the Board whilst indirect supervision refers to those who go through institutions recognized by the Board for their attachment to gain specialist recognition.
5. The Board had tabled a register of 103 ophthalmologists and majority had been directly supervised. The Board in most of these cases acted on the basis of the

referees' recommendations since those referees were deemed to be their trainers. The Board therefore used its discretion in granting specialist recognition in such cases.

6. Dr. Soni was granted specialist recognition on the basis that she worked under the direct supervision of a recognized ophthalmologist and therefore qualified for specialist recognition.
7. There had been no adverse mention against Dr. Soni or any case of medical malpractice received by the Board against her as an ophthalmologist.
8. The Board was also not aware as to why Dr. Soni was sent away from Kikuyu Hospital since no complaint was lodged with the Board. There had also been no complaints received against Dr. Soni's Practice, Eye and U Clinic.
9. The Board could **only** investigate on the basis of complaints received either against a specialist or a doctor or against a facility.
10. ~~The Board did inspect the~~ Eye and U Clinic after the matter of Dr. Soni's Specialist recognition was raised and found out that the facility had high standards and was well equipped with new technology medical equipment to carry out the practice.
11. The Board also inspected medical records at the facility and found that there was no cause for alarm.
12. The Board peer reviewed 7 ophthalmologists who were to work at the Eye and U Clinic and amongst the 7 peer reviewed, only three were approved and were working at the Clinic.
13. The Board's rules were amended in 2014 and the regulations are clear that once the Board ~~received cases of~~ negligence, it would act on the particular specialist and makes recommendations. The Board's Supervisory Committee would take up the matter and follow up on the recommendations. It had indeed previously recommended that some specialist undergo further supervision for six months before being allowed to continue practicing again.

3.2 Meeting with Dr Millicent Kariuki

Dr. Millicent Kariuki appeared before the Committee on 4th August, 2016 and informed it that:

1. She was a qualified ophthalmologist with her own practice and after undergoing two years supervision as per the Boards requirements.
2. Traditionally, there were certified centres where ophthalmologists were required to undergo attachment and supervision before being granted specialist recognition. These were government hospitals or eye units in the country recognized by the Board .The idea of two years supervision in a recognized public institution ensured the doctors got enough exposure in the specific field.
3. Dr .Soni worked under her between 2004- 2009 at her eye clinic for five years. They were partners during this period with Dr. Millicent acting as the senior ophthalmologist and Dr. Soni was the General Physician.
4. They parted ways in 2009 for business reasons after which Dr. Soni started seeking specialist recognition.
5. The Reference letter by the supervisor was a requirement for specialist recognition and that was how she got to recommend Dr. Soni having supervised her for 5 years.
6. Between 2009- 2013, Dr. Soni applied for attachment at the Kikuyu Eye Hospital and was accepted where she was under the Supervision of one Dr. Walia. It was alleged that Dr. Soni was asked to observe for two weeks the procedures before undertaking any assignments but on the third day she went to the theatre. This caused a fall out with the Supervisor leading her to be expelled from Kikuyu Hospital. Dr. Soni would thereafter apply to other hospitals like Kenyatta National Hospital for attachment and where she was either turned down or accepted only for a short period.
7. In her opinion, Dr. Soni is good as a medical Ophthalmologist but poor as a surgeon and had equally been advised on the same. She (Dr. Soni) therefore knew her limits.

8. It was not a Board's requirement that whilst the supervisor was recommending a person to cite specific areas that one should be granted specialist recognition. Thus as her supervisor, she would not have highlighted Dr. Soni's weakness as a surgeon.
9. Under Dr. Millicent, Dr. Soni did not get enough surgical experience at the practice since as her supervisor she stopped her from undertaking surgeries but Dr. Soni had enough exposure as a general ophthalmologist. She however did a few surgeries under supervision.

3.3 Meeting with Dr. Dharminder Walia

Dr. Dharminder Walia appeared before the Committee on 25th August, 2016 and informed it that:

1. In 2008, he received a letter from the CEO of the Medical Practitioners and Dentists' Board, Mr. Daniel Yumbya, asking him to allow Dr. Sonia to work at Kikuyu Eye Hospital.
2. Four colleagues of his had advised him to be cautious in working with Dr. Sonia.
3. Despite the warnings, he allowed Dr. Soni to work with him on attachment and advised her to follow his instructions closely while working under him.
4. Despite the caution and advice, within a week, Dr. Soni went to perform a surgery despite being disallowed. She ended up making a mistake leading to a complication during the surgery that had been assigned to another medic on internship. She never realised her mistake but her colleague, the assigned intern, realised and corrected the same. She apologise for her indiscretion. However, her attachment was terminated forthwith.
5. He wrote to Mr. Yumbya informing him of the dismissal and the reasons leading to it.

6. In total, Dr. Soni spent only two and half days of rotation at Kikuyu Eye Hospital.
7. He learnt from professional colleagues that Dr. Soni had a negative record from her graduate studies, from her time in Dar-es-Salaam and all senior consultants denied her a chance of ever practicing at their clinics.
8. The major complaint from professional colleagues was with regard to Dr. Sonia not following protocol and procedures. While working in Mombasa, she was dismissed after only two days of work.
9. In his opinion, the major problem with Dr. Soni was her negative attitude and unwillingness to be directed and learn under her seniors.
10. There were cases reported of patients who had been to Eye and U Clinic and mishandled. Such reports were from Dr. Walia's colleagues.

3.4 Meeting with Prof. Dunera Ilako

Prof. Dunera Ilako appeared before the Committee on 25th August, 2016 and informed it that she was a lecturer at the University of Nairobi, Department of Ophthalmology and was also the CEO of the Eagle and Eye Laser Centre.

She acknowledged knowing Dr. Soni first as her lecturer and head of department at the University of Nairobi and later in 2011 when Dr. Sonia approached her asking to work under her at the Eagle and Eye Laser Centre as she sought specialist recognition. However, the Eagle and Eye Laser Centre was not recognized in terms of specialist recognition by the Kenya Medical Practitioners and Dentists Board.

When approached in 2011, she granted Dr. Soni a chance to practice and drew a contract stipulating what she could and could not do. Dr. Soni stuck to the contract but left after one year because she fell ill.

At the point of leaving, she had not gotten to a point of performing major surgeries as expected of her at that level of training. She was aware of a case where Dr. Soni while at Kenyatta National Hospital removed both eyes of an accident victim without

reference to her seniors. She also stated that Dr. Soni generally lacked ophthalmological surgery competencies though qualified as a medical doctor, and had not stayed anywhere long enough for specialist supervision to complete the two years required for specialist recognition.

4.0 FRESH EVIDENCE RECEIVED

The Committee having noted the evidence already presented above, resolved to invite key witnesses to enable it draw parallels and objectively and conclusively deal with the matter. It invited the petitioner, Hon. Shakeel Shabbir, MP, Dr. Samira Soni, her two 'referees', Dr. Jyotee Trivedy and Dr. Millicent Kariuki and KMPDB. It also wrote to the Dean, School of Medicine to confirm that Dr. Soni was a bona fide student of the University for both undergraduate and postgraduate studies.

The invitees honoured the Committee's invitation on 28th August, 2018, except Dr. Millicent Kariuki who requested to be excused as she was out of the country. She stated that her initial evidence stood and she had nothing to add.

4.1 Hon. Shakeel Shabbir, MP

Hon. Shakeel Shabbir, MP, informed the Committee as follows:

In 2014 during the 11th Parliament he wrote to and appeared before the then Committee and raised concerns in regards to irregular registration of a private Eye and U hospital by the Medical Practitioners and Dentist Board. This was after receiving several complaints from the Ophthalmological Society of Kenya and other patients who alleged that they were mishandled by Dr. Soni.

He said that although the Committee took up the matter, investigated it and did a report with several recommendations, he noted that the final report failed to capture the key issue, which was that Dr. Soni undertake a two years specialist supervision in a recognized institution, as per requirements.

He further said that although Dr. Samira Soni was the founder of the Eye and U hospital, she worked with six Indian nationals doubling as investors and ophthalmologists. Hon. Shakeel raised concern that Dr. Soni had no capacity to oversee other specialists in the hospital as she was not a bonafide specialist herself.

The Member confessed that he had no personal vendetta against Dr. Samira Soni, but rather wanted the issues he had raised in his letter to the Committee in regards to irregular registration of Eye and U hospital and specialist recognition of Dr. Samira Soni as an ophthalmologist by the Kenya Medical Practitioners and Dentists Board be addressed in a professional manner for the sake of Kenyan patients seeking services in her hospital. He was driven by his passion for healthcare, having served in boards of several health institutions for several years.

4.2 Dr. Jyotee Trivedy

Dr. Jyotee Trivedy, informed the Committee as follows:

She was a specialist in ophthalmology with speciality in general ophthalmology, cornea & refractive, glaucoma, paediatric ophthalmology, retina, with 15 years experience in the field.

She graduated at the University of Nairobi with a degree in Medicine and subsequently pursued post graduate degree at the same institution;

She was currently a Medical Director at Dr. Agarwala Eye Hospital, after she left the Lions Sight First Eye Hospital where she had worked as a senior ophthalmologist.

Dr. Jyotee told the meeting that she knew Dr. Soni as they had schooled together at the University of Nairobi for M.Med Ophthalmology. She however graduated a year ahead of her.

She reiterated that neither did Dr. Samira Soni work under her at Lions Sight First Eye Hospital nor did she teach, supervise or recommend her for specialist recognition as

an ophthalmologist. Her letter to the board was therefore to vouch for her as a former classmate.

She said that she was aware that Dr. Samira Soni had employed several Indian nationals as ophthalmologists at Eye and U hospital. Though she could not ascertain as to whether Dr. Soni was the overall specialist overseeing the other ophthalmologists and whether she was also conducting surgeries at her facility.

Dr. Jyotee told the meeting that she was not aware of any business rivalry between the Lions Sight First Eye Hospital and Eye and U, or any other establishment for that matter.

4.3 Dr. Samira Dedhia Sonia

Dr. Samira Soni, informed the Committee as follows:

She is a qualified ophthalmologist having graduated from the University of Nairobi in the year 1987 with a Bachelor's degree in Medicine and Bachelor of Surgery. She later graduated from the same University with a Master of Medicine in ophthalmology in 2004, a year later than her class because her supervisors sabotaged her studies, out of what she described as jealousy and her go getting nature.

She informed the Committee that she currently worked at Eye and U hospital as the Chief Executive Officer. Before doing her Master's degree, she owned Hurlingham Clinic which she had started in 1997 and sold in 1999 to concentrate on studies.

She said that although she qualified as an ophthalmologist in 2004, she did not receive specialist recognition because her requests to work in institutions recognized by the board in order for her to be recognized as a specialist had always been declined; She said that she was being victimized by certain doctors and she believed it was because of her excellent business acumen skills.

Her application for specialist recognition to the board was declined in 2009, however she re-applied again in 2013 and followed it up with an appeal in 2014 after which she received the recognition.

Together with six Indian nationals they started Eye and U hospital. They are all qualified ophthalmologists with over 20 years' experience, practicing in India and in Kenya. All of the foreign ophthalmologists were peer reviewed.

She decided to work with the foreign doctors since ophthalmology is a capital intensive venture and it required lots of investments of which the Indian doctors were ready to provide.

Dr. Soni clarified that Eye and U facility was a legally registered hospital and was inspected by the Health Inspection Committee and was issued with licence by both the KMPDB and the city county.

She admitted that although she was good as a medical ophthalmologist she had limitations as a surgeon and that she did not perform surgeries at Eye and U hospital. She also admitted that while she was undertaking her attachment at Kikuyu Eye Hospital. She fell out with her supervisor and was consequently expelled from the facility.

On a case of a patient she had attended to by removal of eyes, the patient was in danger of brain infection after staying for a week without seeking medical attention after an accident.

She said that she indicated Dr. Jyotee Trivedy as one of her referee since they had schooled together.

She was not aware of any case of malpractice raised against her as an ophthalmologist or her facility.

In response to questions by members, she said that as far as she knew there was no distinction between medical and surgical ophthalmologist for one to be recognized as a specialist in Kenya.

Finally, she said that given a chance she would undertake the required two years specialist supervision.

4.4 C.E.O, Kenya Medical Practitioners and Dentists Board

Mr. Daniel M. Yumbya, C.E.O, Kenya Medical Practitioners and Dentists Board appeared accompanied by Dr. Elly Nyaim Opot, Chairman of the Preliminary Investigations Committee, Mr. Micheal Onyango, legal officer and Mr. John Mburu, Human Resource Management Officer, and informed the Committee as follows:

The recognition of medical or dental practioners as specialist in any medical field was governed by the Medical Practioners and Dentist (Training, Assesments and Registration) Rules, 2014 ("the Rules of 2014"). Prior to gazettment of the **Rules of 2014**, specialist recognition was governed by the Medical Practioners and Dentist (Private Practice)Rules, 1979.

The Board was aware that Dr. Soni graduated from the University of Nairobi in 1987 where she obtained degree in Bachelor of Medicine and Bachelor of Surgery (MBChB). After she completed her internship program at ~~Kenyatta~~ National Hospital, she was ~~registered~~ as a medical practioner in 1988.

In the course of her practice, Dr. Soni had worked in several institutions i.e Eyestop ~~Kenya~~, Lions ~~Blood~~ and Eye Centre in Mombasa and Eagle Eye Laser centre in Nairobi.

Her first application for specialist recognition was submitted on 5th February, 2009. This was declined as she had not met the minimum requirements at the time.

Her second application in 3rd November, 2013 was followed with a written appeal in 7th May, 2014. The application had recommendations from two referees; Dr. Jyotee Trivedy and Dr. Milicent Wanyoike.

The Board considered her second application and found out that she had met the minimum requirements and consequently on 15th May, 2014, the Board approved and ratified her specialist recognition.

He noted that in recognition of Dr. Samira Dedhia Soni as a specialist in ophthalmology the board followed the due process and complied with the applicable provisions of the law as at the material time.

Dr. Opot, the Chairperson of the Preliminary Investigations Committee however admitted that there were certain inconsistencies in the recognition of Dr. Soni. One of the referees who signed her form was not the one who wrote the recommendation **letter**, and there was no evidence that Dr. Soni completed the mandatory two year requirement post-graduation.

So far the Board had no reported complaints on the conduct of Dr. Soni on her practice, pre and post specialist recognition.

Mr. Yumbya further informed the meeting that the board considered the previous Committee's report on alleged irregular registration of Eye for U Ophthalmic Centre and specialist recognition of Dr. Soni and noted that the issues raised were not **professional** but were a result of business rivalry.

4.5 Kenya Medical Practitioners and Dentists Board

The Committee met with the full board of the KMPDB on 3rd October, 2018 to get clarity from the board on its decision to award specialist recognition to Dr. Soni. The team comprised of the following;

1. Prof. George Magoha, CBS, EBS, MBS - Chairman
2. Prof. Alice Mutungi - Vice Chair

3. Dr. Elly Nyaim Opot	Member
4. Dr. Pacifica Onyancha	Member
5. Dr. Andrew O. Were	Member
6. Prof. Fredrick Were	Member
7. Dr. Tom Ochola	Member
8. Dr. Mathew Akama	Member
9. Dr. Nelly K. Bosire	Member
10. Dr. Eva W. Njenga	Member
11. Dr. Cyprian E. Muyodi	Member
12. Dr. Fredrick Kairithia	Member
13. Prof. B.M. Okello Agina	Member
14. Prof. Lukoye Atwoli	Member
15. Mr. Munge Murage	Legal Advisor
16. Mr. Daniel M. Yumbya	CEO/Secretary
17. Dr. Michael Gichangi	Taskforce member & Head of Ophthalmology, Ministry Of Health
18. Prof. Jefitha Karimurio	Taskforce Member, HoD, Ophthalmology, University of Nairobi
19. Dr. Daniel Kiage	Taskforce Member, Consultant Ophthalmologist & Senior Private Practitioner
20. Dr. Muchai Gachago	Chair, Ophthalmological Society of Kenya
21. Ms. Eunice Muriithi	Legal Services Manager
22. Mr. John Mburu	Human Resource Manager
23. Mr. Michael Onyango	Legal Officer

Prof. George Magoha, the Chairman of the Board from the outset declared that the board made its decision in good faith and in the public interest, guided by

information available to the board. He took full responsibility for the decision and that this was based on the expectation bestowed upon the office of the Chairperson, and his own professional and personal experiences.

The board responded to the issues raised as follows;

Circumstances under which Dr. Soni was recognized as a specialist ophthalmologist

The Board noted that Dr. Samira Soni's application met the minimum requirements for recognition as a specialist ophthalmologist. The Medical Practitioners and Dentists (Private Practice) Rules 1979 rule 2 applied and define a specialist as;

'A medical or dental practitioner who has completed an approved training programme in a particular discipline in medicine or dentistry, and who has acquired a recognized post-graduate qualification or its equivalent, and who thereafter has gained sufficient experience and shown to the Board's satisfaction, adequate clinical, radiological or laboratory skill, in his chose discipline'

Dr. Soni was recognized on the following grounds;

- i. Had a basic degree MBChB (University of Nairobi)1987;
- ii. Undertook her internship at Kenyatta National Hospital from 4th August, 1987 to 1st October, 1988;
- iii. She was registered by the board on 9th March, 1989;
- iv. She was posted by the Ministry of Health to Jomo Kenyatta International Airport where she worked at the staff clinical as a Medical Officer and inoculation centre;
- v. Undertook post graduate studies at the University of Nairobi and graduated with a Master of Medicine (Ophthalmology) in 2004;
- vi. Thereafter, she worked with Dr. Millicent Kariuki as a consultant at Upper Hill Medical Centre in 2004-2006, she moved to Lions Blood Centre in Mombasa between 2006-2008, returned to Nairobi and worked under Dr. Millicent Kariuki from July, 2008 until December 2010. In January - November, 2011

she worked at Eagle Eye & Laser Centre. She thereafter established Eye & U Ophthalmic Limited in May, 2014;

- vii. Dr. Soni applied for specialist recognition on 5th February, 2009. She gave two referees namely Dr. Fayaz Khan and Dr. Millicent Kariuki. Dr. Kariuki responded positively vide her letter dated 10th January, 2009 while Dr. Khan did not respond. The application was rejected by the Board because she had not worked under supervision in a recognized institution;
- viii. On 3rd November, 2013, Dr. Soni re-applied and gave two referees as required by the Board namely Dr. Jyotee Trivedy and Dr. Margaret Njuguna. Dr. Trivedy gave a supportive response vide a letter dated 7th April, 2014 while Dr. Njuguna disqualified herself;
- ix. Dr. Soni wrote an appeal letter addressed to the Chairman of the Board on 7th May 2014 reminding him of her pending decision on her second application for specialist recognition.

The Chairman of the Board considered both applications together with her appeal and the recommendation letter from Dr. Millicent Kariuki and Dr. Jyotee Trivedy and consequently approved her specialist recognition in ophthalmology on 15th May, 2014. This decision was subsequently ratified by the Full Board in its 108th meeting that was held on 30th June, 2014.

Justification why Dr. Samira Soni's first application was rejected and what changed in her subsequent appeal

Dr. Soni's application dated 5th February, 2009 was rejected because she had not worked under supervision in a recognized institution. It was noted that Lions' Eye Sight First Hospital, Mombasa was not a recognized institution for ophthalmology at the material time. In the subsequent appeal Dr. Soni demonstrated that she had worked with Dr. Millicent Kariuki, a recognized specialist, for at least six (6) years and worked with Dr. Ilako, a recognized specialist for at least one (1) year.

The Board also noted that at the time there were few recognized institutions for purpose of attachment for specialist recognition for ophthalmology. In view of the above the Board resolved to recognize Dr. Samira Soni as a specialist in Ophthalmology.

Action taken by the Board to review the case since the matter first came to light

The Board submitted that the matter came to its attention vide letter dated 9th May 2014 from the Ophthalmological Society of Kenya to which the Board responded to issues raised vide letter dated 28th May, 2014.

The Board was then invited by the Clerk of the National Assembly vide a letter dated 19th February 2015 to appear before the Departmental Committee on Health to give evidence regarding accreditation and qualifications and Ophthalmologists working in Eye & U Limited.

In the foregoing, the Board carried out an inspection of the facility and ascertained the qualifications of the Ophthalmologists working at the facility. The Board went further to constitute a Special Preliminary Inquiry Committee on 9th June, 2016 to inquire into the matter of Dr. Samira Soni's specialist recognition and registration of Eye & U Ophthalmic Limited.

On 13th June, 2016 a Special Full Board meeting ratified the Special Preliminary Inquiry Committee report which was subsequently submitted to the Departmental Committee of Health on 16th June, 2016. The Board rested the matter.

On the practise of ophthalmology, the Board had proposed amendment to Cap 253 to anchor specialist recognition under the Act. Further, to bridge the scarcity of approved training institutions, the Board has continued to approve new

attachment/training Institutions for Ophthalmology to supplement Kenyatta National Hospital as here below;

S/N	Name of Institution	County	Date of Approval	Ownership
1.	PCEA Kikuyu Hospital	Kiambu	14th May, 2002	Mission
2.	Sabatia Eye Hospital	Vihiga	11th April, 2007	Private
3.	Lions Sight First Eye Hospital	Nairobi	15th July, 2009	Private
4.	Lighthouse for Christ Eye Center	Mombasa	16th June, 2010	Private
5.	Kwale District Eye Centre	Kwale	16th June, 2010	Private
6.	Eagle Eye Laser Centre	Nairobi	21st November, 2016	Private

After the matter of Dr. Soni was revived by the current Committee, the board on 30th August, 2018 constituted a Special Taskforce composed of the following members to review the matter;

- i. Prof. Khama Rogo, Taskforce Chairman, Consultant Obstetrician/Gynaecologist
- ii. Prof. Jefitha Karimurio, Consultant Ophthalmologist & Head of the Department of Ophthalmology, University of Nairobi,
- iii. Dr. Michael Gichangi, Consultant Ophthalmologist & Head of Ophthalmology, Ministry Of Health,
- iv. Dr. Muchai Gachago, Consultant Ophthalmologist & Chairperson of the Ophthalmological Society of Kenya,
- v. Dr. Daniel Oira Kiage, Consultant Ophthalmologist & Senior Private Practitioner,
- vi. Dr. Pacifica Onyancha, Consultant Psychiatrist & Alternate to the Chairperson, Preliminary Inquiry Committee, Medical Practitioners & Dentists Board,

- vii. Dr. Eliy Nyaim Opot, Consultant Surgeon & Chair, Training Assessment & Registration Committee, Medical Practitioners & Dentists Board,
- viii. Dr. Andrew Were, Chair, Inspection & Licensing Committee, Medical Practitioners & Dentists Board, and
- ix. Mr. Peter Munge, Legal Consultant, Medical Practitioners & Dentists Board & Taskforce Secretary.

The Taskforce after reviewing the matter, made the following findings and recommendations;

Findings:

- (a) There was no evidence to doubt the competence of Dr. Samira Soni as an Ophthalmologist as she has appropriate knowledge and she had acquired the requisite skill from her practice with no documented complaint on her clinical **practice;**
- (b) There was no evidence presented to doubt the competence of the practitioners working in the Eye N U centre in their provision of clinical and surgical ophthalmological services;
- (c) The foreign medical practitioners working at the Eye and U Facility are duly licensed by the Board and there is sufficient evidence to confirm that they underwent peer review and the steps undertaken by the Board prior to issuance of their temporary licenses were in compliance with the Law and due process was followed;
- (d) The facility has put in place an appropriate system for coverage and there was no gap in patient management and follow up's;
- (e) The infrastructure, equipment, personnel and processes at the facility were appropriate for quality of services rendered;
- (f) The facility is one of the best for ophthalmology services in the country;
- (g) The exercise undertaken at the facility did not disclose any evidence to doubt the clinical and surgical management services rendered therein;

(h) There was no written complaint on mismanagement of patients against the Facility or Dr. Samira Soni.

Recommendations:

- (1) The Medical Practitioners and Dentists Board should take steps to create public awareness on the channels available to medical and dental practitioners or the general public for lodging complaints of medical malpractice against medical institutions registered by the Board or medical and dental Practitioner;
- (2) Review the existing Laws and Rules to ensure that they are in line with emerging technologies, sub-specialty areas of competence and changing practice environment which may include new business models and collaborations;
- (3) Liaise and create appropriate levels of awareness, amongst different agencies of Governance, on the roles, division of responsibilities and the processes undertaken by the Board in the management of complaints;
- (4) ~~To~~ involve professional bodies and associations in the sector with a view to strengthening self-regulation and during reviews of Law and the Rules made pursuant to **Section 23 of the Act**;
- (5) The Medical Practitioners and Dentists Board should take steps to bring closure to the complaint, which is the subject herein, and as previously lodged against the Eye & U Clinic and Dr. Samira Soni.

The Board concluded its submission by demonstrating the scarcity of health professionals in the field of ophthalmology. Out of the current 106 practitioners, only 38 had received direct supervision in the then existing two recognized institutions. The remaining 62 received indirect supervision with **6 of them having been** recognized before 1978 with no supervision at all. Moreover, privately sponsored candidates like Dr. Soni faced difficulty in accessing internship opportunities unlike **their** GoK sponsored colleagues who got direct admission.

The Chairman, Prof. Magoha expressed ~~shock at the information~~ and evidence adduced before the Committee by Dr. Soni's peers and previous supervisors,

submitting that this was never brought to the attention of the board. He said this information would have definitely had an impact on the board's decision had it been in its possession.

Dr. Muchai Gachago, Chairman of the Ophthalmological Society of Kenya submitted that they were the ones who initially raised issues on operations of the Eye n U clinic. They however dropped their complaints after investigations found that operations at the clinic were handled by the qualified foreign doctors, who were in fact sub-specialists and may not require direct supervision.

Dr. Bosire reiterated that the gap witnessed in supervision was due to the limited number of professionals. The Board thus faced a delicate balancing act, to raise the numbers, while safeguarding public interest.

Dr. Atwoli **clarified** that every doctor faced personal individual responsibility of their professional actions, especially specialists.

2.0 OBSERVATIONS

From the evidence adduced, the Committee observed that:

1. Dr. Soni graduated with a Master of Medicine in ophthalmology in 2004 but her first application for specialist recognition was five years later in 5th February 2009 which was rejected as she did not meet the minimum qualifications.
2. She reapplied for recognition as a specialist in ophthalmology in November 2013 and it was followed by a written appeal dated 7th May 2014. The said application had recommendations from 2 referees namely Dr. Jyotee Trivedi and Dr. Millicent Kariuki Wanyoike. The application was considered and subsequently approved on 15th May 2014 as she was considered as having met the minimum requirements for such an application.

3. KMPDB justified their approval on the basis of strength of the two referees being specialists themselves, the fact that Dr. Soni did not work directly under them notwithstanding. The board further justified their decision on the fact that the field lacks adequate specialists. In fact, the Board reported that out of the 106 recognized specialists in the country, only 38 had received direct supervision. Dr. Soni's was therefore not an isolated case.
4. The Committee however observes that one of the letters of referral relied on from Dr. Jyotee Trivedy did not meet requirements because the letter clearly stated that Dr. Trivedy simply knew Dr. Soni as a schoolmate, and not supervisor. In fact, Dr. Trivedy used the letterhead of Lions First Eye Hospital where she had worked, a hospital not recognized at the time. The board did not critically analyse the contents of this letter to see that it vouched for conduct and knowledge rather than competence of practise, and did not acknowledge the fact that Lions First Eye itself was not a recognized facility;
5. Dr. Soni's other listed referee, Dr. Margaret Njuguna, wrote to the board vide letter dated 13th January 2014, and expressly stated that she had 'little interactions with her professionally....' Dr. Soni then had another referee, Dr. Millicent Kariuki Wanyoike write to the board vouching for her credentials. There is no evidence that the new referee was introduced to the board procedurally, neither did the board recognize that it did not have the Upper Hill Medical Centre among its recognized centres for training.
6. As evidenced by her previous supervisors, peers and in her own admission, Dr. Samira Soni was a qualified doctor but her competencies as an ophthalmological surgeon was limited. KMPDB however reported that it had no documented or reported cases of malpractice by the said Dr. Soni.
7. By the Board Chairman's own admission on shock on some of the information on Dr. Soni, the Board was reactive and sat back to wait for Dr. Soni's peers

and previous supervisors to formally record their experiences with her, rather than proactively seek them out and conduct its own independent assessment.

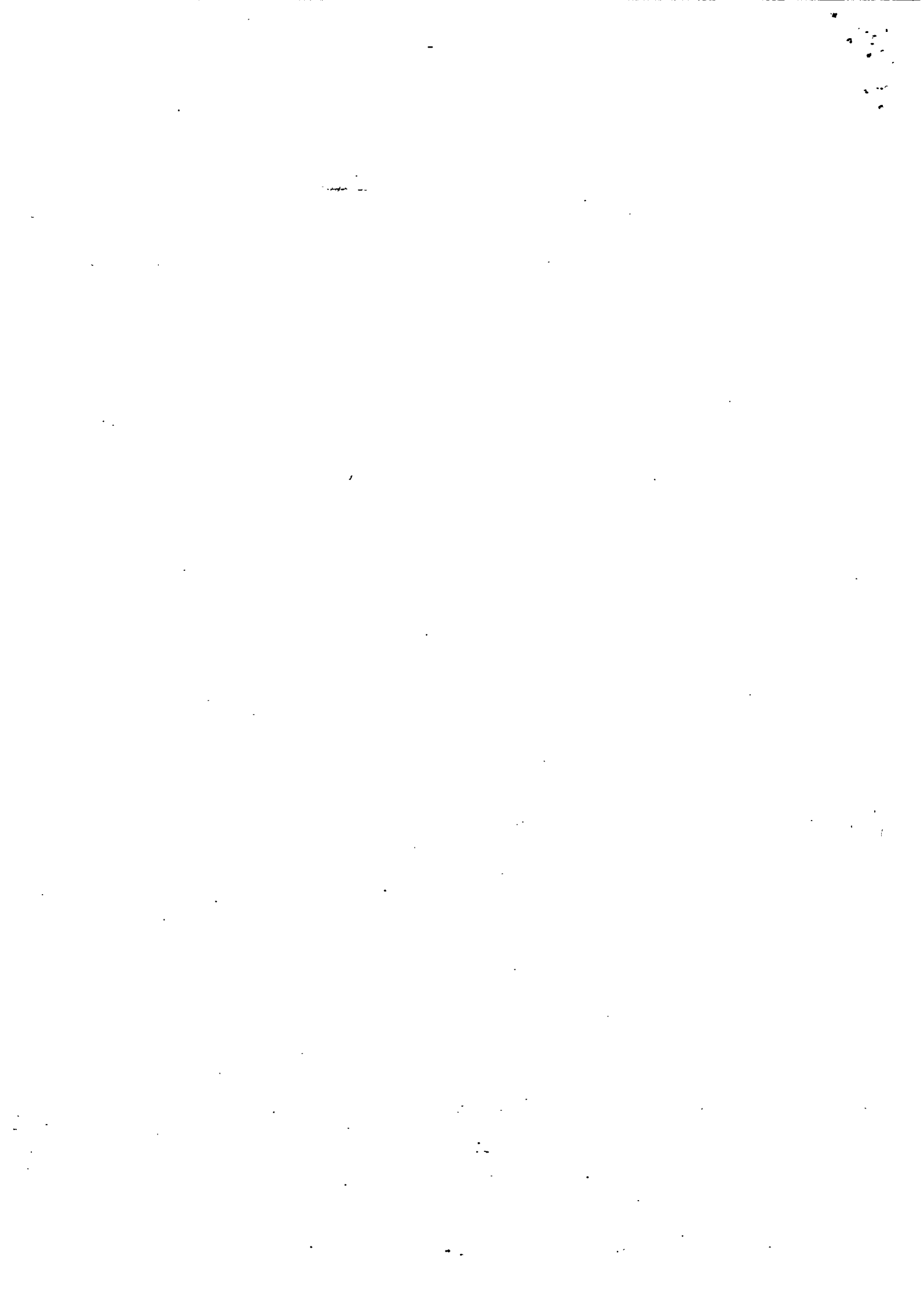
8. The Committee acknowledges the challenges the country faces a shortage of critical health personnel, especially in ophthalmology, but observes that this should not be a pretext to open flood gates for irregular recognition of specialists.
9. Dr. Samira Dedhia Soni applied for registration and licensing of the Eye and U Clinic as a health centre located along Waiyaki Way at the Pacis Centre on 3rd floor within Westlands in Nairobi On 7th May 2014. The said application was approved on 9th May 2014 and on 30th June 2014, the registration and licensing of the facility was ratified by the full board during its 108th sitting. KMPDB reported that the registration of the clinic was procedural, and Dr. Soni was **the administrator** with Indian sub-specialists handling medical procedures. The Board's taskforce reviewing the matter found that the clinic was state of the art, with a clear schedule of rotation by the doctors.
10. The taskforce appointed by the Board to look into the matter did not however look into the process of the specialist recognition of the doctor, but examined operations of the clinic.
11. The Chairman of the Ophthalmologists Society of Kenya, Dr. Muchai Gachago stated that having been at the fore front of raising the matter initially, his concern on the operations of the clinic had been addressed after investigations found that the clinic had acquired requisite approvals and was indeed state of the art. Dr. Gachago had been co-opted to the taskforce to review the matter.

3.0 RECOMMENDATIONS

In the foregoing, the Committee makes the following recommendations;

1. The Board immediately cancels the specialist recognition for Dr. Samira Soni and follows the laid down procedure to recognize her;
2. The Board to pro-actively and independently investigate allegations of medical misconduct of Dr. Soni in her previous engagements, to verify their veracity and/or prove or discount her claims of pure business rivalry, and take appropriate action. Towards this end, they should review the specific case of Dr. Soni allegedly removing eyes of a patient, and summon to hear evidence from those who Dr. Soni had worked under;
3. The Board henceforth strongly enforces its own regulations and provisions of the Act, and Ministry of Health to look into the activities of the Board;
4. The Board to devise safe strategies to address the shortfall of specialist ophthalmologists, and accredited institutions for practise;
5. The Board immediately reviews practise of foreign doctors in the country, especially on hands on supervision of their operations.
6. The Board closely monitors the operations of the Eye N U Clinic vis a vis management of patients.

MINUTES



MINUTES OF THE NINETY FIRST (91ST) SITTING OF THE DEPARTMENTAL
COMMITTEE ON HEALTH HELD ON TUESDAY 16TH OCTOBER, 2018 IN
CPA ROOM, MAIN PARLIAMENT BUILDINGS, AT 11.30 AM

PRESENT

1. Hon. Sabina Chege, MP – Chairperson
2. Hon. (Dr.) Swarup Ranjan Mishra, MP - Vice Chairperson
3. Hon. (Dr.) Esei Simiyu, MP
4. Hon. Muriuki Njagagua, MP
5. Hon. (Dr.) James Kipkosgei Murgor, MP
6. Hon. (Dr.) James Nyikal, MP
7. Hon. Martin Peters Owino, MP
8. Hon. Mercy Wanjiku Gakuya, MP
9. Hon. Gladwell Jesire Cheruiyot, MP
10. Hon. Patrick Munene Ntwiga, MP
11. Hon. (Prof.) Mohamud Sheikh Mohamed, MP
12. Hon. Tongoyo Gabriel Koshal, MP
13. Hon. Kipsengeret Koros, MP
14. Hon. Zachary Kwenya Thuku, MP

ABSENT WITH APOLOGIES

1. Hon. (Dr.) Mohamed Dahir Duale, MP
2. Hon. Alfred Agoi Masadia, MP
3. Hon. Stephen Mule, MP
4. Hon. Esther M. Passaris, MP
5. Hon. Chris Karan, MP

NATIONAL ASSEMBLY

- | | | |
|--------------------------------|---|---------------------|
| 1. Mr. Victor Weke | - | Clerk Assistant I |
| 2. Mr. Muyodi Meldaki Emmanuel | - | Clerk Assistant III |
| 3. Ms. Christine Odhiambo | - | Legal Counsel |
| 4. Ms. Fatuma Abdi | - | Audio Officer |
| 5. Ms. Catherine Wangui | - | Sergeant-At-Arms |

IN-ATTENDANCE

BURUNDI BENCHMARKING DELEGATION

- | | | |
|--------------------------------|---|----------------------|
| 1. Hon. Nduwayo Gilbert | - | Member of Parliament |
| 2. Hon. Hatungimana Godeberthu | - | Member of Parliament |

- | | | |
|-------------------------------|---|------------------------------------|
| 3. Hon. Constatin Niyoutima | - | Member of Parliament |
| 4. Hon. Emmanuel Ndayishimiye | - | Member of Parliament |
| 5. Hon. James Samagorwa | - | Member of Parliament |
| 6. Hon. Mbomeko Sauda | - | Member of Parliament |
| 7. Ms. Mateso Esperance | - | First Counsellor, Burundi Embassy |
| 8. Mr. Pascasi Bucumi | - | Director, Finance & Administration |

GOVERNMENT OF KENYA

- | | | |
|------------------------|---|--|
| 1. Mr. Mwangi Kahenu | - | Senior Assnt. Director, Ministry of EA Affairs |
| 2. Dr. Abdulkadir Omar | - | Senior Pharmacist, Pharmacy & Poisons Board |
| 3. Mr. George Barasa | - | Integration Officer, Ministry of EA Affairs |

MIN. NO.NA/C.H/2018/342: PRELIMINARIES

The Vice-chairperson called the meeting to order at 11.46 am and said a prayer. He then invited all present to a round of introductions. He welcomed the Members of Parliament from Burundi, accompanied by their Kenyan handlers.

MIN. NO.NA/C.H/2018/343: MEETING WITH THE DELEGATION FROM BURUNDI PARLIAMENT

Mr. Mwangi Kahenu from the Ministry of East African Community (EAC) and Regional Development who were the hosts of the delegation gave a brief background to the meeting as follows;

- As part of the implementation of the EAC Community Medicines Regulatory Harmonization (MRH) programme, the EAC Council of Ministers urged each of the partner states to consider and review, amend and update the respective country's national pharmaceutical laws and regulations, as well as establish strong semi-autonomous national medicines and food regulatory authorities in accordance with WHO guidelines.
- All EAC member states except Burundi had complied.
- It was against this background that the Members of the Delegation, comprised of members from two committees of the Burundian Parliament were visiting, to benchmark on best practices, to enact the relevant laws back at home.

The delegation reiterated that they sought to enact a law that would regulate matters of food, drugs, medicines, medical devices, personnel and traditional medicine.

Their Kenyan counterparts gave a history of and their experiences in enacting the comprehensive Health Act 2017 in the previous Parliament. Traditional medicine was however unregulated at the moment, awaiting operationalization of Sections 74-79 of the Health Act 2017.

1. Report on Kenyatta University Teaching & Referral Hospital Project

The Committee went through the report and adopted it as proposed and seconded by Hon. (Dr.) Swarup Mishra, MP and Hon. (Dr.) James Murgor, MP respectively. The recommendations of the report were as follows;

- i) That the National Treasury immediately allocates Kshs. 656,682,207 for dry run budget and Kshs. 1,060,490,567.19 for the soft run to the Kenyatta University Hospital. This allocation should be factored in the Supplementary Budget for National Assembly ratification. This would trigger release of undisbursed loan of Kshs 1.37 Billion for personnel and capacity building;
- ii) That Kenyatta University and Treasury to re-look into the PPP approach and consider the original plan of the University running the hospital. If the model settled upon is PPP, then Treasury to give clear guidelines on competitive identification of the private partner;
- iii) That the Ministries of Health and Education, Science & Technology be actively involved in these discussions, and take a leading role in matters of health policy and teaching, respectively;
- iv) That National Treasury amends the on-Lending Agreement with Kenyatta University to allow Kenyatta University adequate time to reorganize its finances to enable it meet its loan repayment obligations under the on-Lending Agreement.

2. Report on the Alleged Irregular Specialist Recognition of Dr. Samira Soni by the Kenya Medical Practitioners & Dentists Board

The Committee went through the report and adopted it as proposed and seconded by Hon. Gabriel Tongoyo, MP and Hon. Martin Peters Owino, MP respectively. The recommendations of the report were as follows;

- i) The Board immediately cancels the specialist recognition for Dr. Samira Soni and follows the laid down procedure to recognize her;
- ii) The Board to pro-actively and independently investigate allegations of medical misconduct of Dr. Soni in her previous engagements, to verify their veracity and/or prove or discount her claims of pure business rivalry, and take appropriate action. Towards this end, they should review the specific case of Dr. Soni allegedly removing eyes of a patient, and summon to hear evidence from those who Dr. Soni had worked under;
- iii) The Board henceforth strongly enforces its own regulations and provisions of the Act, and the Ministry of Health to look into the activities of the board;
- iv) The Board to devise safe strategies to address the shortfall of specialist ophthalmologists, and accredited institutions for practice;

- v) The Board immediately reviews practice of foreign doctors in the country, especially on hands on supervision of their operations;
- vi) The Board closely monitors the operations of the Eye N U Clinic vis a vis management of patients.

MIN. NO.NA/C.H/2018/345:

ADJOURNMENT

There being no other business, the meeting adjourned at 1.45 pm. Next meeting to be held on 18th October, 2018.

Sign..... Date.....

(Chairperson)

*Approved for circulation. TBC.
17/10/18*

MINUTES OF THE EIGHTYFOURTH(84TH)SITTING OF THE DEPARTMENTAL
COMMITTEE ON HEALTH HELD ON TUESDAY2NDOCTOBER, 2018
INCOMMITTEE ROOM, 4THFLOOR,CONTINENTALHOUSE, AT 9.30AM

PRESENT

1. Hon. Sabina Chege, MP – Chairperson
2. Hon. (Dr.) Swarup Ranjan Mishra, MP - Vice Chairperson
3. Hon. (Dr.) James Nyikal, MP
4. Hon. (Dr.) Eseli Simiyu, MP
5. Hon. Muriuki Njagagua, MP
6. Hon. (Dr.) James Kipkosgei Murgor, MP
7. Hon. (Dr.) Mohamed Dahir Duale, MP
8. Hon. Kipsengeret Koros, MP
9. Hon. Martin Peters Owino, MP
10. Hon. Mercy Wanjiku Gakuya, MP

ABSENT WITH APOLOGIES

1. Hon. Stephen Mule, MP
2. Hon. Esther M. Passaris, MP
3. Hon. Gladwell Jesire Cheruiyot, MP
4. Hon. (Prof.) Mohamud Sheikh Mohamed, MP
5. Hon. Tongoyo Gabriel Koshal, MP
6. Hon. Zachary Kwenya Thuku, MP
7. Hon. Chris Karan, MP
8. Hon. Patrick Munene Ntwiga, MP
9. Hon. Alfred Agoi Masadia, MP

NATIONAL ASSEMBLY

- | | | |
|--------------------------------|---|---------------------|
| 1. Mr. Victor Weke | - | Clerk Assistant I |
| 2. Mr. Muyodi Meldaki Emmanuel | - | Clerk Assistant III |
| 3. Ms. Fatuma Abd | - | Audio Officer |
| 4. Ms. Catherine Wangui | - | Sergeant-At-Arms |

IN-ATTENDANCE

MEDICAL PRACTITIONERS AND DENTISTS BOARD (KMPDB)

1. Prof. George Magotha – Chairman
2. Prof. Alice Mutungi – Vice Chair

3. Dr. Fredrick Kairithia – Member
4. Dr. Andrew O. Were – Member
5. Dr. Nelly K. Bosire – Member
6. Dr. Elly NyaimOpot – Member
7. Dr. Cyprian E. Muyodi – Member
8. Dr. Pacifica Onyancha – Member
9. Dr. Tom Ochola – Member
10. Prof. LukoyeAtwoli – Member
11. Daniel M. Yumbya – CEO/Secretetary
12. Dr. Michael Gichangi - Consultant Ophthalmologist
13. Dr. Daniel Kiage - Consultant Ophthalmologist
14. Prof. JefithaKarimurio - Ophthalmologist, University of Nairobi
15. Dr. MuchaiGachago - Chair, Ophthalmologist Society of Kenya

MIN. NO.NA/C.H/2018/318: PRELIMINARIES

The Vice Chairperson called the meeting to order at 9.45 am and said a prayer, followed by a round of introductions. He stated that the agenda of the meeting was a follow up to the meeting the Committee had with the C.E.O KMPDB in regards to specialist recognition of Dr. Soni as an ophthalmologist by the Board, where the Committee resolved to meet with the Chairman and all the Board Members with a view to clarify on the issues raised during that meeting.

MIN. NO.NA/C.H/2018/319:EVIDENCE BY PROF. GEORGE MAGOHA – CHAIRMAN

Prof. George Magoha – Chairman, Kenya Medical Practitioners and Dentists Board informed the Committee as follows;

The Special Full Board met on 1st October, 2018 and discussed the issues that were raised by the Committee in regards to specialist recognition of Dr. Soni as an ophthalmologist by the Board.

He informed the meeting that on 15th May, 2014, the Board resolved to recognize Dr. Samira Sonias a specialist ophthalmologist after it established that she had met the minimum requirements for recognition as a specialist. The decision was subsequently ratified on 30th June, 2014.

He said that the Board had initially rejected her application as she had not worked under supervision in a recognized institution. However, in her subsequent appeal she indicated that she had worked for at least six years under two recognized specialist, Dr. Millicent Kariuki and Dr. Ilako. The Board also noted that at the time there were few recognized



institutions for purpose of attachment for specialist recognition for ophthalmology. In view of the above the Chairman and the Board went ahead and approved Dr. Soni's application.

Since the matter came to light the Board took several actions to review the case: it appeared before the previous Committee on Health, carried out an inspection of the facility, ascertained the qualifications of the ophthalmologists working at the facility, constituted a Special Preliminary Inquiry Committee in 2016 to inquire into the case and subsequently ratified its report and submitted it to the Committee on Health in 2016.

In addition the Board has proposed amendment to Cap 253 to anchor specialist recognition under the act and to supplement Kenyatta National Hospital attachment/training institutions for Ophthalmology; the Board had approved several new attachment/training institutions.

He informed the Committee that, on 30th August, 2018, the Board constituted a Special Taskforce to inquire into the matter of Eye and U Ophthalmic Limited and the Specialist recognition of Dr. Samira Soni. After reviewing the matter the team presented its findings and recommendations to the Special Full Board meeting on 1st October, 2018.

He further added that Ophthalmology is still a growing field in Kenya and its the reason for uneven distribution of eye specialists in the Country. There were slightly above 100 ophthalmologists in Kenya, majority of whom were based in Nairobi.

Prof. Lukoye Atwoli and Dr. Nelly Bosire said that there were some gaps when it came to the issue of supervision and specialist recognition of ophthalmologists in the country and that there was a need to come up with regulations to tighten up the process.

Prof Magoha admitted that as the Chairman of the Board he was not aware of the severity of the issues raised by some of the witnesses i.e the specialists whom Dr. Soni had indicated as her referees and who had appeared before the previous Committee. He said that he was shocked of the information that was circulating outside the Board even though they had been pursuing the matter for several years. He added that the Board would look for additional information and undertake preliminary actions with a view to protecting members of the public.

MIN. NO.NA/C.H/2018/320:ANY OTHER BUSINESS



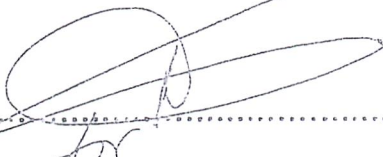
1. The Committee resolved to conclude on the Report on irregular specialist recognition of Dr. Samira Soni during the next sitting on Tuesday 9th October, 2018.
2. Members were informed that there was a retreat organized by NHIF as had been scheduled in the work plan. This would be held on 11th – 14th October, 2018.
3. The Chairperson informed the meeting of the invitation to a workshop organized by KEPSA for Members of the National Assembly scheduled for 4th-6th October, 2018 in Diani, Kwale. Members were urged to confirm their attendance and send their flight schedules to the secretariat.

MIN. NO.NA/C.H/2018/321:

ADJOURNMENT

There being no other business, the meeting adjourned at 1.35pm.

Sign.....



for
(Chairperson)

Date.....

9-10-2018

MINUTES OF THE SEVENTY SEVENTH(77TH)SITTING OF THE
DEPARTMENTAL COMMITTEE ON HEALTH HELD ON WEDNESDAY 5TH
SEPTEMBER, 2018 IN CONFERENCE SUITE, ENGLISH POINTMARINA,
MOMBASA AT 9.30AM

PRESENT

1. Hon. Sabina Chege, MP – Chairperson
2. Hon. (Dr.) James Nyikal, MP
3. Hon. (Dr.) Eseli Simiyu, MP
4. Hon. Alfred Agoi Masadia, MP
5. Hon. Muriuki Njagagua, MP
6. Hon. Stephen Mule, MP
7. Hon. Kipsengeret Koros, MP
8. Hon. (Prof.) Mohamud Sheikh Mohamed, MP
9. Hon. Patrick Munene Ntwiga, MP
10. Hon. Tongoyo Gabriel Koshal, MP

ABSENT WITH APOLOGIES

- 1) Hon. (Dr.) Swarup Ranjan Mishra, MP - Vice Chairperson
- 2) ~~Hon. Martin Peters Owino, MP~~
- 3) Hon. (Dr.) James Kipkosgei Murgor, MP
- 4) Hon. (Dr.) Mohamed Dahir Duale, MP
- 5) Hon. Esther M. Passaris, MP
- 6) Hon. Gladwell Jesire Cheruiyot, MP
- 7) Hon. Mercy Wanjiku Gakuya, MP
- 8) Hon. Zachary Kwenya Thuku, MP
- 9) Hon. Chris Karan, MP

IN-ATTENDANCE

NATIONAL ASSEMBLY

- | | | |
|--------------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Clerk Assistant I |
| 2. Mr. Muyodi Meldaki Emmanuel | - | Clerk Assistant III |
| 3. Mr. Ahmed Odhwa | - | Principal Research Officer II |
| 4. Mr. Eric Kanyi | - | Fiscal Analyst |
| 5. Ms. Fatuma Abdi | - | Audio Officer |
| 6. Ms. Catherine Wangui | - | Sergeant-At-Arms |

MIN. NO.NA/C.H/2018/294: PRELIMINARIES

The Chairperson called the meeting to order at 9.40am and said a prayer.

MIN. NO.NA/C.H/2018/295:CONSIDERATION AND ADOPTION OF REPORT ON THE
MATTER OF ALLEGED IRREGULAR SPECIALIST
RECOGNITION OF DR. SAMIRA SONI BY THE
KENYA MEDICAL PRACTITIONERS AND DENTIST
BOARD

The Committee went through the draft report and resolved to meet with the Chairman and the entire Board with a view to clarify on some issues specifically on the circumstances under which the Chairman purported to approve the recognition of Dr. Soni before the appeal was considered by the Board. The final draft to be adopted would be informed by this meeting.

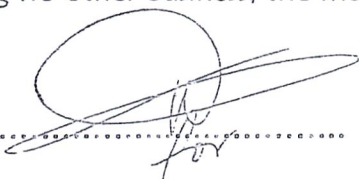
MIN. NO.NA/C.H/2018/296: CONSIDERATION AND ADOPTION OF
FOREIGN VISITREPORTS

REPORT ON THE 22ND INTERNATIONAL AIDS CONFERENCE HELD ON 23RD
-27TH JULY 2018 IN AMSTERDAM, NETHERLANDS

The report was adopted with amendments after being proposed by the Hon. Muriuki Njagagua, MP and Seconded by the Tongoyo Gabriel Koshal, MP

MIN. NO.NA/C.H/2018/297: ADJOURNMENT

There being no other business, the meeting adjourned at 13.35 pm.

Sign.....

(Chairperson)

Date..... 9-10-2018



MINUTES OF THE SEVENTY FOURTH (74TH) SITTING OF THE
DEPARTMENTAL COMMITTEE ON HEALTH HELD ON TUESDAY 28TH
AUGUST, 2018 AT BOARDROOM , 2ND FLOOR PROTECTION HOUSE, AT
9.30 AM

PRESENT

1. Hon. Sabina Chege, MP – Chairperson
2. Hon. (Dr.) James Nyikal, MP
3. Hon. (Dr.) Eseli Simiyu, MP
4. Hon. Muriuki Njagagua, MP,
5. Hon. (Dr.) James Kipkosgei Murgor, MP
6. Hon. (Dr.) Mohamed Dahir Duale, MP
7. Hon. Stephen Mule, MP
8. Hon. Kipsengeret Koros, MP
9. Hon. Esther M. Passaris, MP
10. Hon. Gladwell Jesire Cheruiyot, MP
11. Hon. Martin Peters Owino, MP
12. Hon. Mercy Wanjiku Gakuya, MP
13. Hon. (Prof.) Mohamud Sheikh Mohamed, MP
14. Hon. Tongoyo Gabriel Koshal, MP
15. Hon. Zachary Kwenya Thuku, MP

ABSENT WITH APOLOGIES

1. Hon. (Dr.) Swarup Ranjan Mishra, MP - Vice Chairperson
2. Hon. Chris Karan, MP
3. Hon. Patrick Munene Ntwiga, MP
4. Hon. Alfred Agoi Masadia, MP

IN-ATTENDANCE

NATIONAL ASSEMBLY

- | | | |
|--------------------------------|---|---------------------|
| 1. Mr. Victor Weke | - | Clerk Assistant I |
| 2. Mr. Muyodi Meldaki Emmanuel | - | Clerk Assistant III |
| 3. Ms. Fatuma Abdi | - | Audio Officer |
| 4. Ms. Catherine Wangui | - | Sergeant-At-Arms |

'EYE N U' PETITION WITNESSES

1. Hon. Shakeel Shabbir Ahmed, MP - Petitioner

- | | | |
|---|---|---|
| 2. Dr. Jyotee Trivedy
Hospital. | - | Medical Director, Dr. Agarwala Eye |
| 3. Dr. Samira Soni | - | C.E.O, EYE & U Hospital |
| 4. Daniel M. Yumbya, | - | C.E.O, KMPB |
| 5. Dr. Elly Nyaim Opot
Committee, KMPB | - | Chair, Training Assessment And Training |
| 6. Michael R. Onyango | - | Legal officer, KMPB |
| 7. Mr. John K. Mburu | - | Human Resource Manager, KMPB |

MIN. NO.NA/C.H/2018/281:

PRELIMINARIES

In the immediate absence of the Chairperson and Vice-chairperson, Members present elected Hon. (Dr.) James Kipkosgei Murgor, MP to chair the meeting, pursuant to Standing Order 188. He subsequently called the meeting to order at 9.45am and invited Hon. Martin Owino, MP to say a prayer. The agenda of the meeting was adopted after being proposed by the Hon. Martin Owino, MP and Seconded by the Hon. Stephen Mule, MP.

The interim Chairperson informed the Committee of several witnesses scheduled to appear before it in consideration of the matter of the specialist recognition of Dr. Samira Soni as an ophthalmologist by the Kenya Medical Practitioners and Dentists Board. The meeting was informed that Dr. Millicent Kariuki would not appear before the Committee as she was out of the Country and had requested Committee to use her past testimony; and that the Dean, School of Medicine, University of Nairobi, was also yet to submit the written submission in regards to the case.

MIN. NO.NA/C.H/2018/282:

EVIDENCE BY HON. SHAKEEL SHABBIR, MP

Hon. Shakeel Shabbir, MP, informed the Committee as follows:

In 2014 during the 11th Parliament he wrote to and appeared before the then Committee and raised concerns in regards to irregular registration of a private Eye and U hospital by the Medical Practitioners and Dentist Board. This was after receiving several complaints from the Ophthalmological Society of Kenya and other patients who alleged that they were mishandled by Dr. Soni.

He said that although the Committee took up the matter, investigated it and did a report with several recommendations, he noted that the final report failed to capture the key issue, which was that Dr. Soni undertake a two years specialist supervision in a recognized institution, as per requirements.

He further said that although Dr. Samira Soni was the founder of the Eye and U hospital, she worked with six Indian nationals doubling as investors and ophthalmologists. Hon.

Shakeel raised concern that Dr. Soni had no capacity to oversee other specialists in the hospital as she was not a bonafide specialist herself.

The Member confessed that he had no personal vendetta against Dr. Samira Soni, but rather wanted the issues he had raised in his letter to the Committee in regards to irregular registration of Eye and U hospital and specialist recognition of Dr. Samira Soni as an ophthalmologist by the Kenya Medical Practitioners and Dentists Board be addressed in a professional manner for the sake of Kenyan patients seeking services in her hospital. He was driven by his passion for healthcare, having served in boards of several health institutions for several years.

MIN. NO.NA/C.H/2018/283:

EVIDENCE BY DR. JYOTEE TRIVEDY

Dr. Jyotee Trivedy, informed the Committee as follows:

She was a specialist in ophthalmology with speciality in general ophthalmology, cornea & refractive, glaucoma, paediatric ophthalmology, retina, with 15 years experience in the field.

She graduated at the University of Nairobi with a degree in Medicine and subsequently pursued post graduate degree at the same institution;

She was currently a Medical Director at Dr. Agarwala Eye Hospital, after she left the Lions Sight First Eye Hospital where she had worked as a senior ophthalmologist.

Dr. Jyotee told the meeting that she knew Dr. Soni as they had schooled together at the at the University of Nairobi for M.Med Ophthalmology. She however graduated a year ahead of her.

She reiterated that neither did Dr. Samira Soni work under her at Lions Sight First Eye Hospital nor did she teach, supervise or recommend her for specialist recognition as an ophthalmologist. Her letter to the board was therefore to vouch for her as a former classmate.

She said that she was aware that Dr. Samira Soni had employed several Indian nationals as ophthalmologists at Eye and U hospital. Though she could not ascertain as to whether Dr. Soni was the overall specialist overseeing the other ophthalmologists and whether she was also conducting surgeries at her facility.

Dr. Jyotee told the meeting that she was not aware of any business rivalry between the Lions Sight First Eye Hospital and Eye and U, or any other establishment for that matter.

Dr. Samira Soni, informed the Committee as follows:

She is a qualified ophthalmologist having graduated from the University of Nairobi in the year 1987 with a Bachelors degree in Medicine and Bachelor of Surgery. She later graduated from the same University with a Master of Medicine in ophthalmology in 2004, a year later than her class because her supervisors sabotaged her studies, out of what she described as jealousy and her go getting nature.

She informed the Committee that she currently worked at Eye and U hospital as the Chief Executive Officer. Before doing her masters degree, she owned Hurlingham Clinic which she had started in 1997 and sold in 1999 to concentrate on studies.

She said that although she qualified as an ophthalmologist in 2004, she did not receive specialist recognition because her requests to work in institutions recognized by the board in order for her to be recognized as a specialists had always been declined; She said that she was being victimized by certain doctors and she believed it was because of her excellent business acumen skills.

Her application for specialist recognition to the board was declined in 2009, however she re-applied again in 2013 and followed it up with an appeal in 2014 after which she received the recognition.

Together with six Indian nationals they started Eye and U hospital. They are all qualified ophthalmologists with over 20 years experience, practicing in India and in Kenya. All of the foreign ophthalmologists were peer reviewed.

She decided to work with the foreign doctors since ophthalmology is a capital intensive venture and it required lots of investments of which the Indian doctors were ready to provide.

Dr. Soni clarified that Eye and U facility was a legally registered hospital and was inspected by the Health Inspection Committee and was issued with licence by both the KMPDB and the city county.

She admitted that although she was good as a medical ophthalmologist she had limitations as a surgeon and that she did not perform surgeries at Eye and U hospital. She also admitted that while she was undertaking her attachment at Kikuyu Eye Hospital she fell out with her supervisor and was consequently expelled from the facility. This was however not her fault because a patient she had attended to, and removed his eyes, was in danger of brain infection after staying for a week without seeking medical attention after an accident.

She said that she indicated Dr. Jyotee Trivedy as one of her referee since they had schooled together.

She was not aware of any case of malpractice raised against her as an ophthalmologist or her facility.

In response to questions by members, she said that as far as she knew there was no distinction between medical and surgical ophthalmologist for one to be recognized as a specialist in Kenya.

Finally, she said that given a chance she would undertake the required two years specialist supervision.

MIN. NO.NA/C.H/2018/285:

EVIDENCE BY MR. DANIEL YUMBYA

Mr. Daniel M. Yumbya - C.E.O, Kenya Medical Practitioners and Dentists Board informed the Committee as follows:

The recognition of medical or dental practioners as specialist in any medical field was governed by the Medical Practioners and Dentist (Training, Assesments and Registration) Rules, 2014 ("the Rules of 2014"). Prior to gazettment of the Rules of 2014, specialist recognition was governed by the Medical Practioners and Dentist (Private Practice) Rules, 1979.

The Board was aware that Dr. Soni graduated from the University of Nairobi in 1987 where she obtained degree in Bachelor of Medicine and Bachelor of Surgery (MBChB). After she completed her internship program at Kenyatta National Hospital, she was registered as a medical practioner in 1988.

In the course of her practice, Dr. Soni had worked in several institutions i.e Eyestop Kenya, Lions Blood and Eye Centre in Mombasa and Eagle Eye Laser centre in Nairobi.

Her first application for specialist recognition was submitted on 5th February, 2009. This was declined as she had not met the minimum requirements at the time.

Her second application in 3rd November, 2013 was followed with a written appeal in 7th May, 2014. The application had recommendations from two referees; Dr. Jyotee Trivedy and Dr. Milicent Wanyoike.

The Board considered her second application and found out that she had met the minimum requirements and consequently on 15th May, 2014, the Board approved and ratified her specialist recognition.

He noted that in recognition of Dr. Samira Dedhia Soni as a specialist in ophthalmology the board followed the due process and complied with the applicable provisions of the law as at the material time.

Dr. Opot, the Chairperson of the Preliminary Investigations Committee however admitted that there were certain inconsistencies in the recognition of Dr. Soni. One of the referees who signed her form was not the one who wrote the recommendation letter, and there was no evidence that Dr. Soni completed the mandatory two year requirement post graduation.

So far the Board had no reported complaints on the conduct of Dr. Soni on her practice, pre and post specialist recognition.

Mr. Yumbya further informed the meeting that the board considered the previous Committee's report on alleged irregular registration of Eye for U Ophthalmic Centre and specialist recognition of Dr. Soni and noted that the issues raised were not professional but were a result of business rivalry.

MIN. NO.NA/C.H/2018/286: COMMITTEE RESOLUTIONS

The Committee resolved that:

Dr. Soni provides the following information:

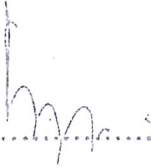
- i) An inventory of the foreign doctors working at the Eye and U Hospital;
- ii) Copies of their travel documentation;
- iii) Evidence of their travel itineraries(between Kenya and India); and
- iv) Tax compliance certificates from the Kenya Revenue Authority.

Kenya Medical Practitioners and Dentists Board provides the following information:

- i) A copy of the previous Committee's report that the board relied on to make its decision on the matter;
- ii) Evidence of Dr. Soni's two year post-graduate exposure in a recognized institution prior to her recognition by the board as a specialist;
- iii) Letter from Dr. Margaret Njuguna supporting Dr. Soni's application for recognition as a specialist;
- iv) Evidence of change of referees from Dr. Millicent Kariuki to Dr. Margaret Njuguna;
- v) Reasons for the rejection of Dr. Soni's initial application, and minutes of the meeting that made this decision; and
- vi) Whether the board allows foreign specialists to work under no local supervision

There being no other business, the meeting adjourned at 2.15 pm.

Sign.....



Date.....

6/9/18

(Chairperson)

